

United States District Court

for the

Eastern District of New York

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ MAR 01 2012
BROOKLYN OFFICE

Name of Offender: Ernest Grillo

Case Number 08-CR-76

Name of Sentencing Judicial Officer: The Honorable Jack B. Weinstein, Senior U.S. District Judge

Date of Original Sentence: August 8, 2008

Original Offense: Conspiracy to Commit Extortion, 18 USC 1951 (a) Two Counts, Class C felony

Original Sentence: 30 months custody, 3 years supervised release, with special conditions for the defendant not to have any relationship with members of organized crime or criminals, unless they are related by a natural relationship, marriage or otherwise; the defendant shall submit his person, residence, place of business, vehicle, or any other premises under his control to a search and make payments, toward his outstanding fine balance, in the amount of \$140 per month, \$5,000 fine and a \$200 special assessment fee.

Amended Sentence: On April 22, 2009, Your Honor ordered the offender to pay \$27,248 in restitution to S.I. Cement Profits, and \$4,000 in restitution to NASCAR, joint and several with his co-defendants.

Type of Supervision: Supervised release

Date Supervision Commenced: April 13, 2010

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

The defendant shall make payments, toward his outstanding restitution balance, in the amount of \$200 per month.

CAUSE

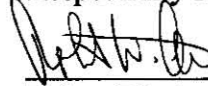
By way of background, on April 22, 2008, Your Honor issued a restitution order subsequent to the offender's original sentence on August 8, 2008. The offender was ordered to pay, jointly and severally, \$31,248 in restitution.

On April 13, 2010, the offender was released from custody. He has resided alone in a private home while working as an assistant for a towing service, earning approximately \$2,000 in monthly income, since his release.

As of this writing, the offender has made a total of \$1,780 in restitution payments. The current restitution balance is \$27,847.42.

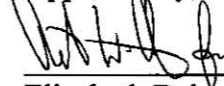
At this time, we respectfully request that Your Honor order the proposed payment schedule of \$200 per month. Attached please find a Probation Form 49, signed by the offender on December 20, 2011, waiving his right to a hearing in this matter. Please advise us of your decision below.

Respectfully submitted by,



Robert W. Anton
Senior U.S. Probation Officer
Date: January 4, 2011

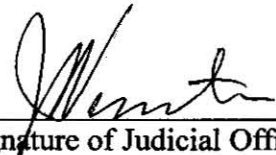
Approved by,



Elizabeth Daly
Supervising U.S. Probation Officer
Date: January 4, 2011

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

2/13/12

Date

PROB 49
(NYEP-3/1/07)

United States District Court EDNY

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and the assistance of counsel before any unfavorable change(s) may be made in my conditions of Probation and/or Supervised Release or before my period of supervision can be extended. By assistance of counsel, "I understand that I have the right to be represented at a hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request that the Court appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel."

I hereby voluntarily waive my statutory right to a hearing and to the assistance of counsel. I also hereby agree to the following modification (s) of my conditions of Probation and/or Supervised Release or to the proposed extension of my term of supervision:

The defendant shall make payments, toward his outstanding restitution balance, in the amount of \$200 per month.

*yes I agree to the change from
140? per month to 200. per month
Emt Galt*

Witness:

[Signature]

U.S. Probation Officer

Signed:

[Signature]

Probationer or Supervised Releasee

12-20-11

Date